

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Michael Eugene Taflinger,

Plaintiff,

v.

Grand St. Paul CVS, L.L.C. d/b/a CVS  
Pharmacy #10397, CVS Pharmacy, Inc.,  
and CVS Health Corporation, individually  
and jointly,

Defendants.

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Case No. \_\_\_\_\_

**Jury Trial Demanded**

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**COMPLAINT**

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Plaintiff Michael Taflinger, through his attorney, Jake R. Jagdfeld of Johnson Becker PLLC, 444 Cedar Street, Suite 1800, St. Paul, Minnesota 55101, for his Complaint, against the above-named Defendants, states and alleges as follows:

**THE PARTIES**

1. Plaintiff Michael Taflinger ("Plaintiff") is a citizen of Minnesota, residing at 6155 Pecan Street, North Branch, Minnesota, 55056.
2. Defendant Grand St. Paul CVS is a domestic Limited Liability Company under Minn. Stat. § 322C registered to do business in the State of Minnesota.
3. Defendant Grand St. Paul CVS operates CVS Pharmacy #10397, with its business address of 25 2nd Street NE, Aitkin, Minnesota, 56431.
4. Defendant Grand St. Paul CVS is owned by Defendant CVS Pharmacy, Inc., which has its principal executive office address at One CVS Drive, Woonsocket, Rhode Island, 02895.

5. Defendant CVS Pharmacy, Inc. is a subsidiary of Defendant CVS Health Corporation, with its registered office at 1209 Orange Street, Wilmington, Delaware, 19801.
6. Defendants' registered agent for service is CT Corporation System, Inc., at 1010 Dale Street North, St. Paul, Minnesota, 55117-5603.

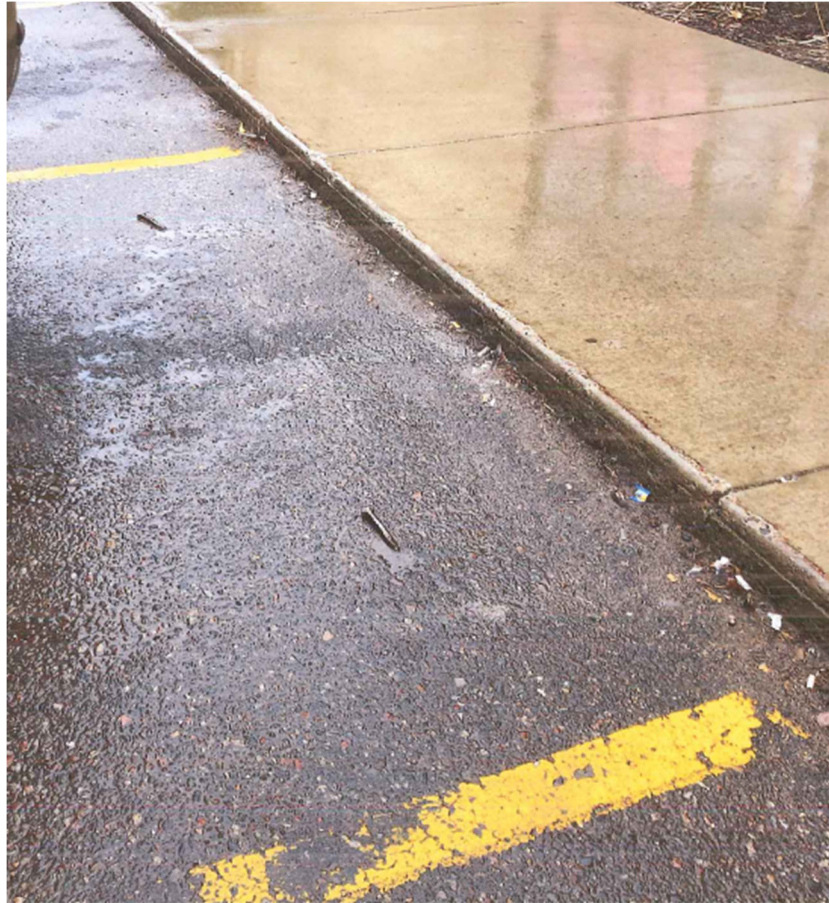
### **JURISDICTION AND VENUE**

7. This Court has Subject Matter Jurisdiction over this action pursuant to 28 U.S.C. § 1332 because diversity exists between the parties, and the amount in controversy exceeds \$75,000.
8. Venue is proper in the District of Minnesota pursuant to 28 U.S.C. § 1391(a)(2) because a substantial part of the acts or omissions giving rise to this lawsuit occurred in Minnesota, and following 28 U.S.C. § 1391(c), Defendant is subject to Personal Jurisdiction in the District of Minnesota.

### **FACTUAL ALLEGATIONS**

9. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein.
10. While Plaintiff was at Defendants' CVS Pharmacy in Aitkin, Minnesota on May 8, 2019 he tripped and fell on a piece of steel rebar - one of two pieces - that Defendant chose to let remain protruding from the asphalt in the parking lot of Defendant's building near the sidewalk along the storefront.
11. Defendants had not marked the rebar to warn entrants, including presumably elderly and infirm customers, on its premises of the tripping hazard, despite the rebar's location just off of the sidewalk where Defendants' customers entered and exited Defendant's business.
12. At the time this incident occurred Plaintiff was lawfully on Defendants' premises.

13. Plaintiff did not see the rebar before he tripped on it, as it blended in with the color of the asphalt parking lot surface, as seen in the photograph below.



14. As a result of this incident, Plaintiff sustained serious injuries, including a left knee medial and collateral meniscal tears, and a chondral fracture of his left medial femoral condyle.

### **COUNT I**

#### **Negligence**

15. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein.

16. At all times herein material, Defendants knew or reasonably should have known about the hazards identified in above and had a duty of reasonable care to remediate or warn of those hazards.

17. Defendants breached their duties and Plaintiff was caused to trip and fall and become seriously injured as a result of Defendants' negligence, carelessness, and unlawful conduct.
18. As a direct and proximate result of Defendants' negligence, carelessness, and unlawful conduct, Plaintiff sustained serious and permanent injuries that have in the past, and will in the future, result in expenses for medical care and treatment, pain, disability, emotional distress, and wage loss, resulting in damages to Plaintiff under the circumstances for which Minnesota law provides a remedy.

#### **ACTUAL DAMAGES**

19. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein.
20. As a direct and proximate result of the negligence, carelessness, and unlawful conduct of Defendants as alleged herein, Plaintiff has suffered injuries and damages. Plaintiff seeks compensation from Defendants for injuries including, but not limited to:
- a. General damages for pain, disability, disfigurement, inconvenience, emotional distress, and the loss of the enjoyment of life incurred by Plaintiff in the past, present, and future;
  - b. Past, present, and future damages for the costs of medical and rehabilitative treatment and care for Plaintiff;
  - c. Past wage loss and future loss of earning capacity of Plaintiff;
  - d. Any and all such further relief to which Plaintiff may be entitled under the law.

#### **PRAYER FOR RELIEF**

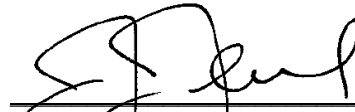
21. Plaintiff incorporates by reference each and every allegation in this Complaint, as if fully set forth herein.

22. Plaintiff, Michael Taflinger, requests the Court to enter judgment against the Defendants, individually and jointly, for a reasonable sum in excess of \$75,000, together with interests, costs, and disbursements incurred herein.

**PLAINTIFF HEREIN DEMANDS A TRIAL BY JURY.**

Dated: March 25, 2020

**JOHNSON BECKER PLLC**



Jake R. Jagdfeld (MN Bar #0388549)

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*ATTORNEY FOR PLAINTIFF*

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney's fees and witness fees may be awarded pursuant to Minn. Stat. § 549.04, to the parties against whom the allegations in this pleading are asserted.

Dated: March 25, 2020

**JOHNSON BECKER PLLC**



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